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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,965	07/21/2003	Qing Ma	42390.P8877D	5335

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EXAMINER

GEBREMARIAM, SAMUEL A

ART UNIT	PAPER NUMBER
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2811

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/623,965	MA ET AL	
	Examiner	Art Unit	
	Samuel A Gebremariam	2811	

AK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-15, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Barron et al., US patent No. 5,919,548.

Regarding claim 14, Barron teaches (figs. 3a-3r and 4a-4c) a process of forming a micro electromechanical (MEMS) package (col. 11, lines 46-53) comprising: providing a semiconductor device (10, 300) including an active surface (top surface 10); providing a conveyance (24) with at least one embedded MEMS device (20) disposed therein; and disposing the conveyance over the semiconductor device, wherein the at least one embedded MEMS device communicates electrically to the semiconductor device (region 20 communicates with regions 302 and 304).

Regarding claim 15, Barron teaches the entire claimed structure of claim 14 above including the at least one embedded MEMS device is a capacitor (col. 6, lines 24-27).

Regarding claim 16, Barron teaches the entire claimed structure of claim 14 above including the conveyance comprises a via (32) disposed therein the process further comprising: providing at least one detached MEMS (38) device in a first

structure; and accommodating the at least one detached MEMS device through the via, upon the active surface of the device (top surface of 10).

Regarding claim 17, Barron teaches the entire claimed structure of claim 14 above including the conveyance comprises a via (32) disposed therein the process further comprising: providing at least one detached MEMS (38) device in a first structure; placing the at least one detached MEMS device on the semiconductor device (10, 300); and accommodating the at least one detached MEMS device through the via upon the active surface of the device (see fig. 3j-3l).

Regarding claims 19 and 20, Barron teaches the entire claimed structure of claim 14, 16 and 17 above including forming an integrated package comprising the semiconductor device and the conveyance (col. 11, lines 46-53).

Regarding claims 21 and 22, Barron teaches the entire claimed structure of claim 14, 16 and 17 above including encapsulating the detached MEMS device and the conveyance to form an integrated package (col. 10, lines 18-45 and fig. 3m).

Regarding claim 23, Barron teaches a process comprising: providing a semiconductor device (10, 300); accommodating a detached micro electromechanical (20) structure (MEMS) device upon the semiconductor device; providing a conveyance (24) over the semiconductor device and around the detached MEMS device (20); and contacting encapsulation material with at least one of the semiconductor device, the detached MEMS device, and the conveyance to form an integrated MEMS package (col. 11, lines 46-53 and col. 10, lines 18-45 and fig. 3m).

Regarding claim 24, Barron teaches the entire claimed structure of claim 23 above including embedding a MEMS (38) device in the conveyance (24).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barron.

Regarding claims 18, Barron teaches substantially the entire claimed structure of claims 14, 16 and 17 above except explicitly stating providing a sealing structure; and disposing the sealing structure in a manner sufficient to isolate at least one of the at least one detached MEMS device.

Barron teaches forming a sealed cavity MEMS device (200) without stating that individual MEMS are being sealed (col. 11, lines 46-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sealing structure as claimed in the process of Barron in order to provide good protection against moisture.

Regarding claims 25, Barron teaches substantially the entire claimed structure of claim 23 above except explicitly stating that providing a sealing structure; and interposing the sealing structure upon the semiconductor device in a manner sufficient to isolate at least one of the at least one detached MEMS device.

Barron teaches forming a sealed cavity MEMS device (200) without stating that individual MEMS are being sealed (col. 11, lines 46-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sealing structure as claimed in the process of Barron in order to provide good protection against moisture.

Response to Arguments

5. Applicant's arguments filed on 9/07/2004 have been fully considered but they are not persuasive. Applicant argues that the Baron reference does not teach the limitation of a semiconductor device and an embedded MEMS device. Element (12) identified to be a semiconductor device in the instant application only shows a structure that appears to a substrate. Therefore element (10) of Baron's structure meets the claimed limitation of a semiconductor device as shown in the figures. Furthermore as clearly shown in column 7, lines 50-57, element (20) can be an electrostatic comb actuator or a sensor which is a MEMS device. Therefore element (20) of Baron's structure meets the limitation of MEMS device that is embedded in a conveyance (24). Conveyance is taken to mean "a means or a way of conveying". Furthermore applicant argues that the Baron reference does not teach the claimed limitation of a detached MEMS device. Since Baron teaches a plurality of individual MEMS structure (20) as shown in the figures, the reference meets the limitation of a detached MEMS device. In addition the claim does not preclude MEMS structures that are embedded and at the same time detached from each other.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel A Gebremariam whose telephone number is (571) 272-1653. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2811

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAG

November 17, 2004



EDDIE LEE
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